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DONNA BLAKE

**IN THE UNITED STATES DISTRICT COURT,
DISTRICT OF ARIZONA
TUCSON DIVISION**

DONNA BLAKE,)	Case No.:
)	
Plaintiff,)	COMPLAINT AND DEMAND FOR
)	JURY TRIAL
vs.)	
)	(Unlawful Debt Collection Practices)
REDLINE RECOVERY SERVICES, LLC)	
)	
Defendant.)	

COMPLAINT

DONNA BLAKE (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against REDLINE RECOVERY SERVICES, LLC. (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA). According to the FDCPA, the United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the

1 loss of jobs, and to invasions of individual privacy. Congress wrote the FDCPA to
2 eliminate abusive debt collection practices by debt collectors, to insure that those debt
3 collectors who refrain from using abusive debt collection practices are not competitively
4 disadvantaged, and to promote consistent State action to protect consumers against debt
5 collection abuses. *15 U.S.C. 1692(a) – (e)*.

6 2. Plaintiff brings this action to challenge Defendant's actions with regard to attempts by
7 Defendant, a debt collector, to unlawfully and abusively collect a debt allegedly owed by
8 Plaintiff, and this conduct caused Plaintiff damages.

9 3. Defendant acted through its agents, employees, officers, members, directors, heirs,
10 successors, assigns, principals, trustees, sureties, subrogees, representatives, and
11 insurers.

12 JURISDICTION AND VENUE

13 4. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such
14 actions may be brought and heard before "any appropriate United States district court
15 without regard to the amount in controversy."

16 5. Because Defendant maintains a business office and conducts business in the state of
17 Arizona, personal jurisdiction is established.

18 6. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

19 7. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

20 PARTIES

21 8. Plaintiff is a natural person who resides in the city of Tucson, Pima County, Arizona and
22 is allegedly obligated to pay a debt and is a "consumer" as that term is defined by *15*
23 *U.S.C. 1692a(3)*.

24 9. Defendant is a national company and conducts business in the State of Arizona.

25 10. Defendant uses instrumentalities of interstate commerce or the mails in any business the

1 principal purpose of which is the collection of any debts, or who regularly collects or
2 attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or
3 due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.

4 **FACTUAL ALLEGATIONS**

5 11. Defendant constantly and continuously places collection calls to Plaintiff seeking and
6 demanding payment for an alleged consumer debt.

7 12. Defendant constantly and continuously places collection calls to Plaintiffs place of
8 employment despite receiving notice that Plaintiff cannot accept such calls.

9 13. Defendant was sent a certified cease and desist letter from Plaintiff, however Defendant
10 continued to place collection calls.

11 **COUNT I**
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

12 14. Defendant violated the FDCPA based on the following:

- 13 a. Defendant Violated *§1692c(a)(1)* of the FDCPA by contacting Plaintiff at a time
14 and place known to be inconvenient.
- 15 b. Defendant Violated *§1692c(a)(3)* of the FDCPA by contacting Plaintiff at her
16 place of employment despite receiving notice that Plaintiff cannot accept such
17 calls.
- 18 c. Defendant Violated *§1692c(c)* of the FDCPA by contacting Plaintiff after
19 receiving written notification that Plaintiff refuses to pay the debt and that
20 Plaintiff wishes Defendant cease further communications.
- 21 d. Defendant Violated *§1692d* of the FDCPA by engaging in conduct the natural
22 consequence of which is to harass, oppress, and abuse Plaintiff.
- 23 e. Defendant Violated *§1692d(5)* of the FDCPA by causing the phone to ring and
24 engaging Plaintiff in telephone conversations repeatedly.
25

1 f. Defendant violated §1692e(10) of the FDCPA by engaging in false and deceptive
2 means to collect a debt or obtain information about a consumer.

3 g. Defendant violated §1692f of the FDCPA by engaging in unfair and
4 unconscionable means to collect or attempt to collect the alleged debt.

5 15. As a direct and proximate result of one or more or all of the statutory violations above
6 Plaintiff has suffered emotional distress (see Exhibit "A").

7 WHEREFORE, Plaintiff, DONNA BLAKE, respectfully requests judgment be entered
8 against Defendant, REDLINE RECOVERY SERVICES, LLC for the following:

9 16. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection
10 Practices Act,

11 17. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

12 18. Actual damages,

13 19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
14 *15 U.S.C. 1692k*

15 20. Any other relief that this Honorable Court deems appropriate.

16
17 RESPECTFULLY SUBMITTED,

18 DATED: July 6, 2009

KROHN & MOSS, LTD.

19
20 By: /s/ Ryan Lee

21 Ryan Lee

22 Attorney for Plaintiff
23
24
25

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, DONNA BLAKE, demands a jury trial in this cause of action.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF ARIZONA

Plaintiff, DONNA BLAKE, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, DONNA BLAKE, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE:

7/6/2009


DONNA BLAKE

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EXHIBIT A

I have suffered from the following due to, or made worse by, the actions of the Defendant's debt collection activities:

1. Sleeplessness
2. Fear of answering the telephone
3. Nervousness
4. Fear of answering the door
5. Embarrassment when speaking with family or friends
6. Depressions (sad, anxious, or "empty" moods)
7. Chest pains
8. Feelings of hopelessness, pessimism
9. Feelings of guilt, worthlessness, helplessness
10. Appetite and/or weight loss or overeating and weight gain
11. Thoughts of death, suicide or suicide attempts
12. Restlessness or irritability
13. Headache, nausea, chronic pain or fatigue
14. Negative impact on my job
15. Negative impact on my relationships

YES NO
 YES NO
 YES NO
 YES NO
 YES NO
 YES NO
 YES NO
 YES NO
 YES NO
 YES NO
 YES NO
 YES NO
 YES NO
 YES NO
 YES NO
 YES NO

Other physical or emotional symptoms you believe are associated with abusive debt collection activities:

Fear that clients or professional colleagues will hear the collector's call and messages.

Anger that collector violates my legal rights and disregards the law, causing me extreme worry.

Pursuant to 28 U.S.C. § 1746(2), I hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated:

7/6/2009

Signed Name

Donna Blake

Printed Name

Donna Blake